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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,765	04/02/2004	Chiaki Hamada	119332	9946

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EXAMINER	
MANCHO, RONNIE M	
ART UNIT	**PAPER NUMBER**
3663	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,765	HAMADA ET AL.	
	Examiner	Art Unit	
	Ronnie Mancho	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/5/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 7, 12, and 15 are objected to because of the following informalities: In claims 1, 12, and 15, the applicant is advised to change "stratifies" to --senses-- or to some better limitation.

In claim 7, line 2, the applicant is advised to change "applying" to --supplying-- for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Banno et al (US Pub 2002/0024252).

Regarding claim 1, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose a device for controlling braking of a vehicle having front and rear wheels, a braking system generating braking forces on the respective wheels, at least one sensor monitoring an operational condition of the vehicle including a detector detecting an amount of a braking action by a driver of the vehicle, and the device executing a braking force distribution control in which braking force on the rear wheels is lowered in comparison with braking force on the front wheels

when an operational condition monitored by a sensor among the at least on sensor stratifies a predetermined condition, characterized in that braking force on the front wheels during execution of the braking force distribution control is increased, where a braking force increment on the front wheel beyond braking force corresponding to the braking action is determined based upon an increment of the braking action by the driver detected by the detector; and when anti-skid control for either of the wheels is executed, the braking force increment on the front wheel is decreased.

Regarding claim 2, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 1, characterized in that braking force on the rear wheels is increased when the anti-skid control is executed.

Regarding claim 3, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 1, characterized in that the braking force increment on the front wheel is decreased until the increment reaches to zero.

Regarding claim 4, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 1, characterized in that the decreasing of the braking force increment on the front wheel is interrupted if the anti-skid control is terminated but the increment does not reach to zero.

Regarding claim 5, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 1, wherein the braking system comprises a hydraulic circuit connected with a master cylinder and braking force generating apparatus including wheel cylinders provided for the respective wheels; and the braking action is reflected in a pressure in

the master cylinder, characterized in that the decreasing of the braking force increment is executed by decreasing braking pressures in the front wheel cylinders.

Regarding claim 6, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 2, wherein the hydraulic circuit comprises a hydraulic circuit connected with a master cylinder and braking force generating apparatus including wheel cylinders provided for the respective wheels; the braking action is reflected in a pressure in the master cylinder; and valves selectively allowing fluid communication between the master cylinder and the rear wheel cylinders, characterized in that the increasing of the rear wheel braking force is executed by opening the valves.

Regarding claim 7, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 5, wherein the hydraulic circuit comprises at least a common line applying at least one of the front wheel cylinders and at least one of the rear wheel cylinders, and at least a pressure regulating valve in the common line regulating a pressure in the common line and selectively fluidly connecting the common line to master cylinder.

Regarding claim 8, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 7, wherein the hydraulic circuit is of cross dual circuit type (sec. 0021).

Regarding claim 9, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 7, wherein the hydraulic circuit is of front-rear dual circuit type (sec. 0021).

Regarding claim 10, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 7, wherein the hydraulic circuit comprises valves selectively

allowing fluid communication between the common line and the rear wheel cylinders, characterized in that the increasing of the rear wheel braking force is executed by opening the valves.

Regarding claim 11, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 6, wherein the opening of the valves is executed intermittently.

Regarding claim 12, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose a device for controlling a braking of a vehicle having front and rear wheels, a braking system generating braking forces on the respective wheels, at least one sensor monitoring an operational condition of the vehicle including a detector detecting an amount of a braking action by a driver of the vehicle, the device executing a braking force distribution control in which braking force on the rear wheels is lowered in comparison with braking force on the front wheels when an operational condition monitored by a sensor among the at least one sensor stratifies a predetermined condition for starting the braking force distribution control, characterized in that braking force on the front wheels during execution of the braking force distribution control is increased during execution of the braking force distribution control, but decreased when anti-skid control for either of the wheels is executed or when an operational condition monitored by the sensor stratifies, a predetermined condition for terminating the braking force distribution control.

Regarding claim 13, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 12, wherein a rate of decreasing the front wheel braking force when an operational condition monitored by a sensor among the at least one sensor stratifies a predetermined condition for terminating the braking force distribution control is faster than a rate

of decreasing the front wheel braking force when anti-skid control for either of the wheels is executed.

Regarding claim 14, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 12, wherein the braking force on the front wheel is decreased until the braking force reaches to braking force requested by the braking action by the driver.

Regarding claim 15, Banno et al (abstract, sec 0010 to 0014, 0021, 0022; figs. 1-5) disclose the device of claim 12, wherein the increase of the braking force on the rear wheels is restricted during execution of the braking force distribution control but allowed when anti-skid control for either of the wheels is executed or when an operational condition monitored by a sensor among the at least one sensor stratifies a predetermined condition for terminating the braking force distribution control.

4. In claims 1-15, the statements of intended use or field of use, "for controlling", "executing a", "is lowered", "an operational condition monitored", "stratifies a", "is increased", "is determined based upon", "detected by", "is executed", "is decreased", "decreasing of", "is interrupted", "is reflected", or "detecting" clauses are essentially method limitations or statements of intended or desired use. Thus, these claims as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference. See In re Pearson, 181 USPQ 641; In re Yanush, 177 USPQ 705; In re Finsterwalder, 168 USPQ 530; In re Casey, 512 USPQ 235; In re Otto, 136 USPQ 458; Ex parte Masham, 2 USPQ 2nd 1647.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art

apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ 2nd 1647 Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than functions. In re Danly, 120 USPQ 528, 531

Apparatus claims cover what a device is not what a device does. Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JACK KEITH
SUPERVISORY PATENT EXAMINER

Ronnie Mancho
Examiner
Art Unit 3663

1/23/06